# In the Supreme Court of the United States

OCTOBER TERM, 1972

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No. 72-85

ROBERT QUINTANA, PETITIONER

*v.*

UNITED STATES OF AMERICA

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT*

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**MEMORANDUM FOR THE UNITED STATES IN OPPOSITION**

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After a jury trial in the United States District Court for the District of Colorado, petitioner was convicted of having used extortionate means to collect an extension of credit, in violation of 18 U.S.C. 894(a)(1). He was sentenced to fifteen months' imprisonment. The court of appeals affirmed (Pet. App. A).

Petitioner contends, as he did below, that the evidence did not show that he threatened the victim to pay the loan installments. He also contends that the introduction of eight telephone conversations between himself and the victim, recorded by Denver police with the victim's consent, was unlawful. These contentions are with-

out merit for the reasons set forth in the opinion below. The evidence was sufficient to support the verdict. Interception of petitioner's communications with the victim was authorized by 18 U.S.C. 2511(2)(c) and (d); see Pet. App. C, 24. And in our view, the Fourth Amendment aspect of this case is governed by *United States* v. *White,* 401 U.S. 745. See also *Rathbun* v. *United States,* 355 U.S. 107.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
*Solicitor General.*

AUGUST 1972.

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